

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL S. KLEIN,) 3:08-cv-00191-ECR-VPC
Plaintiff,)
vs.) ORDER
REID KIMOTO, et al.,)
Defendants.)
_____)

The parties have each submitted a form of proposed Pretrial Order.

The matter of admission of exhibits for trial is referred to the Magistrate Judge for purposes of ruling on the admission of the exhibits listed in the Pretrial Order to the extent this can reasonably and feasibly be done pretrial.

The proposed witness lists, as set forth in the Pretrial Order, are referred to the Magistrate Judge for consideration and decision as to whether any of such witnesses should not be permitted to testify because such witness was not previously properly disclosed or the testimony of such witness would be irrelevant, or their testimony would be inappropriate, duplicative or unreasonably cumulative. The Magistrate Judge is authorized to require offers of proof as to the testimony to be offered by each such witness.

1 The Magistrate Judge is authorized to modify the Pretrial
2 Order upon consideration of these or other appropriate matters, and
3 to make all rulings thereon which reasonably can be made.

4 The Magistrate Judge will substantially assist the Court in
5 the processing of this case by undertaking the foregoing
6 proceedings. By going through the items of evidence and
7 considering the respective witnesses' testimony, frequently the
8 parties and/or the Court will reasonably, readily, recognize
9 evidence which is inadmissible, or should be withdrawn, or which,
10 upon proper available foundation, will be obviously admissible, or
11 on the other hand, where ruling should be withheld until trial.
12 The Magistrate Judge will have the benefit of the Pretrial Order
13 and the arguments of counsel to assist in making these rulings.

14 Obviously, the conduct of the trial will be greatly expedited
15 by the Magistrate Judge undertaking this assignment.

16 The rulings of the Magistrate Judge will be subject to appeal
17 to this Judge, if timely appeal is filed. The Magistrate Judge has
18 extensive experience in resolving such matters, both as an attorney
19 in practice, and sitting on the bench as a trial judge, and is well
20 qualified to undertake such rulings.

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1 We realize this order places a considerable burden on the
2 Magistrate Judge. We trust, however, that the Magistrate Judge
3 will not be inclined to ignore this order, but if the Magistrate
4 Judge would prefer not to undertake this reference, or feels
5 uncomfortable in doing so, or feels such an order is inappropriate
6 in the circumstances, we would be so advised so that we can
7 undertake to arrange for other procedures to accomplish the goals
8 we seek to achieve in entering this order.

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10 Dated this 6th day of April 2011.

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13 EDWARD C. REED
14 Senior United States District Judge
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